

Exhibit A



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Breach of Contract Lawyers Who Fight to Protect Your Rights and Interests

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Resolving Contract Disputes for Clients in the Hudson Valley

Our lawyers handle cases throughout the Ulster, Dutchess, Sullivan, Rockland and Orange County NY area.

Contracts are an integral part of doing business. When a contract is breached, it can have devastating effects on operations and profits. You have the right to enforce the promises exchanged in a contract, as well as seek compensation for damages you have incurred. The lawyers at Ostrer & Associates, PC have successfully litigated numerous cases involving breach of contract claims that have resulted in awards of

monetary damages and court orders requiring breaching parties to perform under the terms of the contract.

Types of Breach of Contract Claims

Our civil litigation attorneys have significant experience handling complex contract disputes and are available to represent both individuals and businesses in lawsuits involving:

Leases and contracts for the sale of real estate

Asset-purchase contracts

Franchise contracts

Collection of debts

Construction Contracts

Employment Agreements

Entertainment Contracts

Special Service or Repair Contracts

Auction Sales

Defective or non-conforming deliveries

Indemnification and Guarantee

Agreements

Remedies Available in a Breach of Contract Actions

In most cases, our attorneys pursue claims for money damages or equitable relief on behalf of our clients. Equitable relief is an order from a court requiring a person or company to act or refrain from acting in a certain way.

Monetary Damages

- **Compensatory Damages.** Intended to make the plaintiff whole, compensatory damages provide monetary relief representing the benefits the plaintiff should have received if the contract had not been breached. These damages may include consequential damages for any indirect losses suffered as a result or consequence of the breach of contract. For example, lost profits caused by another party's failure to perform its contractual obligations.
- **Liquidated Damages.** Some contracts (often involving the sale of real estate) contain a liquidated damages clause, which sets forth a predetermined sum that

a court can award to the aggrieved party if the contract has been breached. Clauses for liquidated damages are common in real estate and construction contracts, as well as contracts for the sale or lease of business equipment. In general, liquidated damages provisions in contracts are enforceable if: 1) the damages resulting from the breach are not readily determined, and 2) the amount of liquidated damages under the contract is not highly disproportionate to the actual damages incurred.

- **Attorneys Fees and Costs.** The fees incurred in most civil litigation are generally not recoverable unless the contract expressly provided for such recovery. There are special circumstances where legal fees are recoverable and each case must therefore be evaluated.

Equitable Remedies

- **Specific Performance.** In some cases, our attorneys can also seek an order from the judge requiring specific performance in a breach of contract lawsuit. If a court orders specific performance, the breaching party is required to fulfill its obligations under the terms of the contract. Specific performance may be granted in cases where monetary damages would not adequately compensate the non-breaching party. For example, if a contract is for the sale of unique goods that cannot be obtained from another seller, a court may issue an order requiring the breaching party to perform under the terms of the contract and deliver the unique goods.
- **Rescission.** Rescission is an equitable remedy that voids the contract. When a judge grants rescission, both sides are generally excused from any further performance under the contract. In addition, any money that had been remitted under the contract is usually returned.

If you believe you may have a claim for a breach of contract and would like to learn more about your rights under New York or Federal law, contact us today to discuss the damages and remedies that may be available to you.

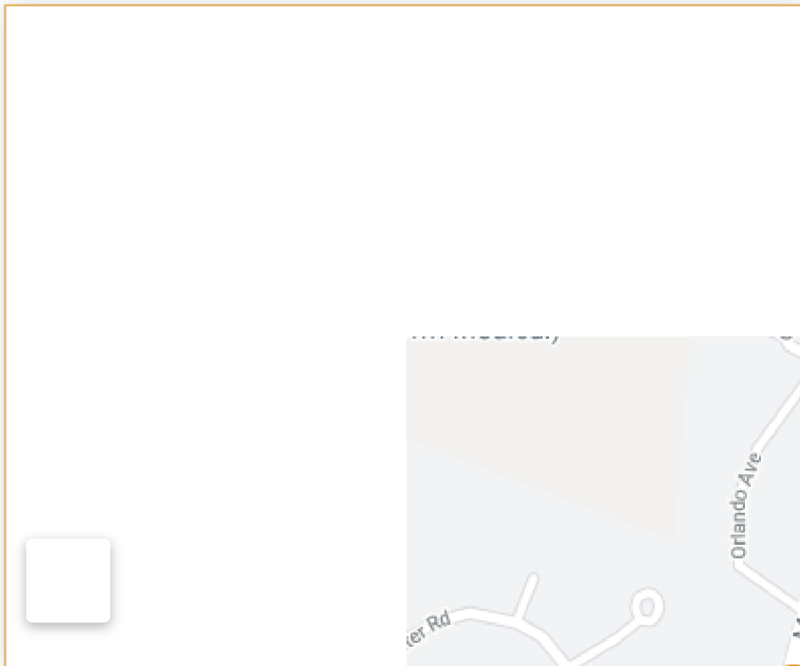
Our experienced lawyers have obtained favorable results on behalf of clients for over 35 years.

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The breach of contract lawyers at Ostrer & Associates, P.C. in Chester, New York, represent clients throughout the Hudson Valley, including Ulster, Sullivan, Dutchess, Rockland and Orange County, NY.



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